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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 CHARLES DOMINICK LOMBINO,
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10 Plaintiff,
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12 v.
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14 BANK OF AMERICA, N.A., et al,
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16 Defendants.
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18 _____
19 and related Counterclaims.
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2:09-cv-0036-LDG-RJJ

ORDER

21 Defendants have filed a motion for reconsideration of the court's order denying
22 Defendants' motion in limine (#76). Among other things, Defendants argue that this court should
23 preclude reference to any communication with the State Bar of Nevada ("State Bar") because
24 Defendants had a duty to report the overdraft of Plaintiff's IOLTA account to the State Bar
25 pursuant to Nevada Supreme Court Rule 78.5 and that they enjoy civil immunity for such
26 communications pursuant to Rule 106. Such an argument, however, does not support Defendants'
broad request to preclude any communication with the State Bar, especially in consideration of
Plaintiff's argument that his own communications with the State Bar that preceeded Defendants'
overdraft report are relevant to demonstrate his good faith in handling the forged check.
Furthermore, insofar as Defendants specifically seek to preclude reference to any communication
concerning their overdraft report, Plaintiff stated that "[s]adly, Defendants planned their actions

1 well, and plaintiff does not seek to disturb their ability to hide behind the shield of Nevada
2 Supreme Court Rule 106.” Pl.’s Opp. to Defs.’ Mot. In Limine 2, ECF No. 61. Defendants are
3 now concerned that Plaintiff has listed documents related to Defendants’ report to the State Bar in
4 his exhibit list. *See, e.g.*, Pl.’s List of Exhibits, Exhibits 11, 14, ECF No. 72. The court, however,
5 understands Plaintiff’s previous statement as an indication of his intent not to discuss any
6 communication concerning Defendants’ overdraft report. Therefore, for the reasons stated and in
7 consideration of the issues addressed in this court’s previous order, the court denies Defendants’
8 motion, but will reconsider the foregoing issue at trial if such reconsideration becomes necessary.

9 Accordingly,

10 THE COURT HEREBY ORDERS that Defendants’ motion for reconsideration (#76) is
11 DENIED.

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13 DATED this 3 day of December, 2010.

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Lloyd D. George

United States District Judge